Pre-Public Notice Stakeholder Meeting

CDPS General Permit Renewals

COR040000 and COG850000

August 1, 2012

Moderated by: Janet Kieler, Kathy Rosow, Andrew Neuhart and Abigail Ogbe

Permits Section, Water Quality Control Division

Colorado Department of Public Health and Environment

Permit contacts: COR040000—Kathy Rosow 303.692.3521

kathleen.rosow@state.co.us

COR850000—Abigail Ogbe 303.692.2054

abigail.ogbe@state.co.us

Meeting Agenda

- Meeting Logistics and Background
- Scope of two permits subject to renewal
- Meeting Goals
- Permit renewal process
- Substantive areas of review

Meeting Logistics and Background

- Nuts and Bolts: Teleconferencing and Q&A
 - Cell phones on vibrate
 - Minimize side conversations
- Background: permit review process
 - General permits: 5-year cycle
 - Public Notice process
 - Administratively extended permits

Scope of current permits subject to renewal

□ COR040000 – expired 9/30/2011

- Stormwater discharges from metal mining and mine-waste remediation – SIC code 10xx
- Stormwater discharges from some coal SIC code 12xx
- No ELGs implemented in the permit
- No sampling required by the permit
- Practice-based effluent limitations

□ COG850000 – expires 6/30/2013

- Process water and stormwater discharges from coal mining operations
- Numeric effluent limitations process water
- Practice-based effluent limitations stormwater

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Meeting Goals

- Increase awareness of permit renewal process
- Discuss substantive areas of review
- Obtain input for developing draft permit conditions
- Written (electronic) input accepted through August 17, 2012
 - --- kathleen.rosow@state.co.us

Permit Renewal Process

- Draft permit development
 - Permit and Fact Sheet
- Public Notice process for permit
 - Notification:
 - www.coloradowaterpermits.com (Public Notice link)
 - Water Quality Bulletin
 - Postcards to current permittees
 - Water Quality Forum updates
 - 60 day comment period planned
 - Formal public meeting during PN
 - Outreach

Permit Renewal Process - 2

- Final permit development
 - Review comments
 - Prepare responses to comments
 - Further develop permit conditions
- Pre-issuance stakeholder meeting
- Issue permit: delayed effective date
 - Prepare and issue certifications
 - Entry into EPA database (ICIS)
 - Generate and send discharge monitoring reports (DMRs)
- □ Goals:
 - PN last calendar quarter 2012
 - Complete process by 9/30/2013

Substantive areas of review

- 1. Application timeframe
- Co-located activities
- 3. Limitations on coverage
- 4. Control measure vs. BMP; installation/implementation specifications
- Effluent limitations
- 6. SWMP requirements
- 7. Inspections:
- 8. Discharge Monitoring:
- 9. Reporting DMRs and ICIS
- 10. Corrective Actions
- 11. ELG applicability
- 12. Permit Scope
- 13. Clarification of areas at each site subject to ELGs
- 14. Regulatory interpretation process water vs. stormwater

Application timeframe

- Current permits:
 - require application for permit coverage 30 days prior to the discharge from the facility.
- Considerations:
 - Longer time period (e.g., 90-days)
 - focus on environmental outcomes
 - requirements specific to receiving water body (impaired waters or outstanding waters)
 - resource levels

Limitations on coverage

- Current permits:
 - Stormwater not addressed; Process water not fully addressed
- Considerations:
 - Discharges Currently Covered by Another Permit
 - Discharges Currently covered by a Division Low Risk Guidance document.
 - Discharges to Waters Designated as Outstanding Waters
 - Stormwater Discharges Associated with Construction Activity
 - Stormwater Discharges Subject to Effluent Limitations Guidelines (COR040000)

Control measure vs. BMP and specifications

- Current permits:
 - use variety of terms somewhat interchangeably;
 - do not require installation/implementation specifications
- Considerations:
 - Add "Control measure" terminology
 - Definition: control measure refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the state.
 - Include installation/implementation specifications

Effluent Limitations

- Separate effluent limitations from the SWMP
 - Differentiates effluent limitations from terms and conditions
 - SWMP is **not** an effluent limit
- Technology-Based effluent limitations
 - Numeric/narrative ELGs
 - BPJ-based effluent limitations
- Water quality-based effluent limitations
 - numeric WQBELs for "process water"
 - Rely on PBELs + a narrative WQBEL

Practice-based Effluent Limitations

- Current permits and Considerations:
 - Minimize Exposure
 - Good Housekeeping
 - Maintenance of Control Measures
 - Spill Prevention and Response Procedures
 - Erosion and Sediment Controls
 - Management of Runoff
 - Salt Storage Piles or Piles Containing Salt
 - Employee Training
 - Non-Stormwater Discharges
 - Waste, Garbage and Floatable Debris
 - Dust Generation and Vehicle Tracking of Industrial Materials
 - Sector Specific Practice-based Effluent Limits

Practice-based Effluent Limitations - 2

- "Minimize" Definition:
 - "reduce and/or eliminate to the extent achievable using control measures that are <u>technologically available</u> and <u>economically</u> <u>practicable and achievable</u> in light of <u>best</u> industry practice.
 - Goals:
 - clarity expectation in permit
 - be more specific on control measure performance
 - Understand best industry practice

Practice-based Effluent Limitations - 3

- Sector-Specific Practice-based Effluent Limits
 - Clearing, Grading, and Excavation Activities (Metal and Coal)
 - Management Practices, Inspections, Cessation
 - Additional Metal
 - Employee Training, Stormwater Controls, Certification of Discharge Testing.
 - Additional Coal
 - Good Housekeeping Measures.
 - Preventive Maintenance.
- Applicability to stormwater subject to ELGs

Numeric Limitations based on ELGs

- □ COR040000: TBD
- COG850000: Found under 40 CFR Part 434
 - Subpart B: Coal Preparation Plants and Coal Preparation Plant Associated Areas
 - Subpart C: Acid or Ferruginous Mine Drainage
 - Subpart D: Alkaline Mine Drainage
 - Subpart E: Post Mining Areas
 - Subpart F: Miscellaneous Provisions
 - Subpart G: Coal Remining
 - Subpart H: Western Alkaline Coal Mining

Water Quality Based Effluent Limitations

Stormwater considerations:

Narrative WQBEL

- "Stormwater discharges authorized under this permit must be controlled as necessary to meet applicable water quality standards".
- □ COG850000 process water:

Same Process as current permit.

- End-of-pipe limit: WQBELs = WQS
- Potential Pollutants of Concern (metals, organics, SAR & EC, WET)
- Included as permit limit based on Reasonable Potential
- Control Regulations: Salinity and phosphorus

Additional requirements for Impaired Waters

Stormwater

- Current: New and existing discharges with a TMDL
 - Division will notify
 - if notified, implement practices in SWMP based on TMDL requirements, and document
- Current: New discharges without a TMDL
 - Division practice monitor for the pollutant
- Considerations:
 - New vs. existing dischargers
 - With TMDL vs. without a TMDL
 - Monitoring report; site-specific benchmarks
 - Narrative WQBEL "end of pipe"

Additional requirements for Impaired Waters

- Process water
 - Considering same process as current permit for approved TMDL
 - Based on the TMDL or results of data analysis, may require modification to cert or require individual permit.
 - Current Division practice monitor for pollutant listed in 303(d) until TMDL is approved.

Threatened & Endangered Species and Critical Habitat

- Stormwater
 - Current: No additional requirements
 - Considerations:
 - □ 2005 MOA (Division, EPA, USFWS)
 - Narrative WQBEL "end of pipe" language
 - □ Monitoring report
- Process water
 - Same as current permit.
 - End-of-pipe limit, therefore MOA has been satisfied.

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Additional requirements for discharges to reviewable waters (antidegradation)

Stormwater

- Current: No additional requirements
- Considerations:
 - Terms and conditions
 - Monitoring

Process water

- Considering same process as current permit.
- AD limit = 15% of WQS
- NIL = Sept 2000 limit
- Implicit NIL = highest effluent limit (1998 2000), if none then recent highest effluent data
- Option to require monitoring if no data

SWMP requirements

- Current Permits:
 - Description of Mining Activities
 - Area Subject to ELGs description
 - Site Map
 - SWMP Administrator
 - Identification of Potential Pollutant Sources and Best Management Practices
 - Preventive Maintenance
 - Good Housekeeping
 - Spill Prevention and Response Procedures
 - Employee Training
 - Identification of Discharges other than Stormwater

SWMP requirements - 2

- Considerations:
 - Signature requirement
 - Maintain a copy of permit with SWMP
 - Require that documentation be maintained with the SWMP
 - Facility Inventory and Assessment of Pollutant sources
 - Inspection and sampling procedures
 - Corrective actions

Inspections

- Current Permits:
 - Frequency: twice per year, in spring and fall
 - Exceptions:
 - □ Unstaffed sites: ≥ 1 to 2 times per year
 - □ Inactive sites: ≥ once every 3 years
- Considerations:
 - Frequency
 - Exploration and construction activities vs. Mining operations
 - Other regulatory frameworks and industry practice
 - Exceptions
 - Runoff event inspection

Discharge Monitoring - stormwater

- Current Permit:
 - none required
- Considerations:
 - Visual evaluation scope and frequency
 - Benchmark sampling scope and frequency
 - Numeric ELG
 - Water Quality standards scope and frequency
 - Impaired waters monitoring scope and frequency
 - Others scope and frequency

Discharge Monitoring – process water

□ COG850000

 Considering same frequency as current permit and reduced monitoring according to <u>Baseline Monitoring Frequency</u>, <u>Sample Type, and Reduced Monitoring Frequency Policy</u>.

Routine Reporting – DMRs and ICIS

Current Permits:

COR040000	COG850000
•Annual Report	Annual Report (stormwater)
•No DMRs	•DMRs – quarterly (process water & stormwater with ELGs)
•No data to enter in ICIS	•Data entered in ICIS (process water & stormwater with ELGs)

Considerations (both):

- Annual Report contents
- Discharge Monitoring Reports (DMRs) frequency
- Facilities and data in EPA database (ICIS)

Corrective Actions—stormwater discharges

- Current Permits:
 - None required.
- Considerations:
 - Include corrective action requirements.
 - Triggers for corrective action
 - Failure to take required corrective actions is a permit violation
 - Waive corrective action for benchmark exceedances for irreversible human caused conditions and natural background
 - permitting alternatives, national benchmarks, site-specific benchmarks; in stream water quality.

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ELGs - applicability

- Regulatory citations:
 - Ore Mining and Dressing Point Source Category

[40 CFR 440 (Subparts A – M)]

Coal Mining Point Source Category

[40 CFR 434 (Subparts A – H)]

Terminology

Division	EPA
Process water	Process waste water
Stormwater subject to ELG	Mine drainage
Stormwater not subject to ELGs	Industrial stormwater

- Best Professional Judgment (BPJ)
- Active vs. inactive definitions (include DRMS terminology)

Permit Scope

- □ Exclusion of ELGs from COR040000
 - Currently:
 - Individual permit + COR040000 cert
 (process water + SW with ELGs) (SW w/o ELGs)
 - Additional considerations:
 - Combined individual permit
 (process water + SW with ELGs + SW w/o ELGs)
 - Individual permit + COR040000 cert
 (process water) SW with ELGs + SW w/o ELGs)
- Coal versus Hard Rock/metal
- Roads and Construction

Site areas subject to ELGs

- Determination more information in application or Division site visit
- Better business process mutual understanding

Process water vs. stormwater

- Process water: any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
- □ **Stormwater**: stormwater runoff, snow melt runoff, and surface runoff and drainage.
- Stormwater discharge associated with industrial activity: the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.
- □ Stormwater subject to an ELG **vs.** stormwater not subject to an ELG
- Division revoked WQP-17 in December 2011

WQP-5: Permit Policy for Mining Activities

- Provides direction for inactive sites on when a permit will be pursued
- Substantive change in permit consider policy during renewal process
- Posted on website: (<u>www.coloradowaterpermits.com</u>)

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August 1, 2012

Short break

Discussion

- Name and Organization
- Focus on Permit Development
- Framing comment
 - Environmental Outcomes
 - Good Nexus Weak Nexus
 - Feasibility
 - Something that is already being done
 - Something that is not being done but can be done
 - Something that is not being done and cannot be done
 - Balance between Environmental Benefit and Implementation
 - Costs
 - Regulatory framework
 - Best alternatives